

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

TRUSTEES OF THE TEAMSTERS :
UNION Local 142 Pension Trust
Fund, :

Plaintiff, :

vs. :

SHRADER'S, INC., :

Defendant. :

Case No. 3:04mc00019

District Judge Thomas M. Rose
Magistrate Judge Sharon L. Ovington

ORDER

The Court has reviewed *de novo* the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #7), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby adopts said Report and Recommendations.

Accordingly, the Court **ORDERS** that:

1. The Report and Recommendations filed on October 24, 2005 (Doc. #7) is ADOPTED in full;
2. The case is DISMISSED without prejudice pursuant to Fed. R. Civ. P. 41(b); and
3. The case is terminated on the docket of this Court.

November 14, 2005

s/Thomas M. Rose

Thomas M. Rose
United States District Judge